

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2002-1016-010-084

vs.

Debra Kindblom, RN, Lic. No. E52124  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated March 5, 2003. Dept. Exh. 2. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Debra Kindblom, RN (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to the public health and safety. On March 19, 2003, the Board ordered, pursuant to its authority under §§ 4-182(c) and 19a-17(c) of the General Statutes of Connecticut, the respondent's registered nurse license summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 2.

The Board issued a Notice of Hearing on or about March 20, 2003, scheduling a hearing for April 2, 2003. Dept. Exh. 2; Transcript, April 2, 2003 Hearing, p. 5.

Respondent was provided notice of the hearing and charges against her. Transcript, April 2, 2003 Hearing, pp. 2-3. The Notice of Hearing and Statement of Charges were delivered by the State Marshal to respondent's address of record at 17 Earl Street, Bristol, Connecticut on or about March 26, 2003. Dept. Exhs. 1, 2B; Transcript, April 2, 2003 Hearing, pp. 4-6.

The Board concludes that a sufficient attempt was made to provide respondent with the Notice of Hearing and Statement of Charges.

The hearing took place on April 2, 2003 at the Hartford Hospital Newington Campus, Curtis Building, 181 Patricia M. Genova Drive, Newington, CT. Respondent was not present during the hearing. Transcript, April 2, 2003 Hearing, p. 2.

Respondent did not file an answer to the charges. During the hearing on April 2, 2003, the Department filed a Motion to Deem Allegations Admitted. The Board granted the Department's motion. Dept. Exh. 1.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

### *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence at the hearing, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number E52124 on August 24, 1989. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2B.
2. Beginning on or about April 29, 2002, respondent was employed as a registered nurse at Waterbury Hospital, Waterbury Connecticut. Dept. Exh. 2A, pp. 7-8.
3. From on or about June 2002 to September 2002, while working as a registered nurse at Waterbury Hospital, respondent diverted for her own personal use the controlled substance Oxycodone L.A. 40mg (Oxycontin). Dept. Exh. 2A, pp. 5, 8.
4. In or about June 2002 to September 2002, respondent abused or excessively used Oxycodone L.A. 40mg. Dept. Exh. 2A, p. 5.
5. On September 12, 2002, respondent provided a written and sworn statement to agents of the State of Connecticut, Department of Consumer Protection, Drug Control Division admitting to diverting Oxycontin from Waterbury Hospital for her personal consumption. Dept. Exh. 2A, pp. 7-9.

### *Conclusions of Law and Discussion*

In consideration of the above Findings of Fact, the following conclusions are rendered: Debra Kindblom held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

**Paragraph 3** of the Statement of Charges alleges on or about June 2002 to September 2002, while working as a registered nurse at Waterbury Hospital, respondent diverted Oxycodone L.A. 40mg (Oxycontin).

**Paragraph 4** of the Statement of Charges alleges on or about June 2002 to September 2002, respondent abused or utilized to excess Oxycodone L.A. 40mg (Oxycontin).

**Paragraph 5** of the Statement of Charges alleges that respondent's abuse of Oxycodone L.A. 40mg (Oxycontin) does and/or may affect her practice as a registered nurse.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations in the Statement of Charges to be admitted.

The General Statutes of Connecticut § 20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17.
- (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 3, 4 and 5 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(2) and (5) and 19a-17.

**Order**

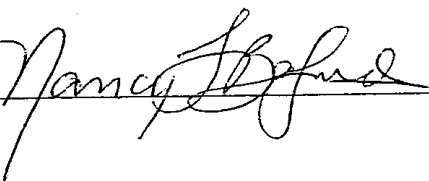
Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 3, 4 and 5 of the Statement of Charges, respondent's registered nurse license, number E52124, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Debra Kindblom, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 3rd day of September 2003.

BOARD OF EXAMINERS FOR NURSING

By  \_\_\_\_\_